

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

Patrica Denise Boley Brown,

Debtor.

Case No. 19-36611-KLP
Chapter 7

Patricia Brown,

Plaintiff,

v.

AP No. 24-03003-KLP

Navient Private Loan Trust,
National Collegiate Student Loan Trust 2004-2,
National Collegiate Student Loan Trust 2005-3,
National Collegiate Student Loan Trust 2006-3,
Navient Solutions, LLC,

Defendants.

PRETRIAL ORDER

Counsel and/or the pro se parties¹ estimated the time necessary to conduct the trial of this case to be **one-half (1/2) day** (the “Estimated Trial Time”). As promptly as possible, the parties must advise the Court (1) if the time necessary to conduct the trial will exceed the Estimated Trial Time, or (2) if a settlement is reached in this case.

IT IS ORDERED that the following schedule is established in this adversary proceeding. Failure to comply with this Order shall result in appropriate sanctions.

¹ All references to “counsel” in this Pretrial Order shall be deemed to include any party acting pro se. All pro se parties must fulfill the requirements of counsel as those requirements are set for in this Pretrial Order.

1. The trial shall be held in the United States Bankruptcy Court, **Room 5100**, U.S. Courthouse, 701 East Broad Street, Richmond, Virginia, on **August 20, 2024** (the “Trial Date”), at **10:00 AM**.

2. The parties shall make the pretrial disclosures required under Rule 7026(a)(1) of the Federal Rules of Bankruptcy Procedure within **14 days** following the entry of this order.

3. On or before **21 days prior to the Trial Date** counsel shall meet at a mutually convenient location and make a good faith effort to narrow the issues in the trial and to enter into written stipulations of any uncontroverted facts (the “Stipulation”). The Stipulation (or in lieu thereof, a joint statement of counsel that no agreement as to any uncontroverted facts could be reached) shall be filed with the Court on or before **14 days prior to the Trial Date**.

4. Notwithstanding the provisions of Rule 7026(d)(1) of the Federal Rules of Bankruptcy Procedure, discovery may commence immediately and shall be completed on or before **21 days prior to the Trial Date**.

5. All motions for summary judgment and all other dispositive motions must be filed no later than **30 days prior to the Trial Date**.

6. Counsel shall make the disclosures of expert testimony required by Rule 7026(a)(2) of the Federal Rules of Bankruptcy Procedure no later than **60 days prior to the Trial Date**, or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 7026(a)(2)(B) of the Federal Rules of Bankruptcy Procedure, on or before **21 days after the disclosure** made by the other party.

7. On or before **14 days prior to the Trial Date**, counsel shall file with the Clerk a list of proposed exhibits and the proposed exhibits. Unless the Court orders otherwise, the exhibits shall be filed in accordance with Richmond General Order 23-2.

8. Objections to any of the proposed exhibits shall be filed on or before **7 days prior to the Trial Date**. Exhibits to which no timely objection has been made will stand as admitted into evidence.

9. The Plaintiff shall file a list of witnesses in accordance with Rule 7026(a)(3)(A) of the Federal Rules of Bankruptcy Procedure that Plaintiff intends to call to testify at trial on or before **14 days prior to the Trial Date**; and the Defendants shall file a list of witnesses in accordance with Rule 7026(a)(3)(A) of the Federal Rules of Bankruptcy Procedure that Defendants intends to call at trial not later than **10 days prior to the Trial Date**. Plaintiff may file a list of rebuttal witnesses on or before **7 days prior to the Trial Date**.

10. The parties shall file a designation of those witnesses whose testimony is expected to be presented by means of a deposition and a redacted transcript of the pertinent portions of the deposition testimony on or before **14 days prior to the Trial Date**. Any other party may file counter designations of the redacted portions of the deposition transcript they deem relevant not later than **10 days prior to the Trial Date**. Objections to the use under Rule 7032(a) of the Federal Rules of Bankruptcy Procedure of a deposition so designated by another party shall be filed on or before **7 days prior to the Trial Date**.

11. Should a settlement be reached, counsel shall immediately file any motion required by Rule 9019 of the Federal Rules of Bankruptcy procedure for approval of the

settlement (the “Rule 9019 Motion”). The parties shall schedule a hearing to be conducted not later than **28 days after the Trial Date** to consider any Rule 9019 Motion and for presentation of a final order.

12. It is the responsibility of all counsel to be thoroughly acquainted with and follow the procedures set forth in the statutes, the national and local bankruptcy rules, and the requirements of the Judge.

13. The Clerk shall forward a copy of this order to counsel of record and pro se parties.

Any party not consenting to the entry of a final order by the Bankruptcy Judge shall file a Motion to Withdraw the Reference or for other appropriate relief within **30 days** of the entry of this Pre-Trial Order and shall promptly set the matter for hearing. The failure to comply with the terms of this paragraph shall be deemed to constitute consent to the entry of final orders by the Bankruptcy Judge.

SO ORDERED, this 10th day of April 2024.

/s/ Keith L. Phillips
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: Apr 11 2024